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15 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
16 *Ultimate Fighting Championship and UFC*

17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF NEVADA

19  
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
21 Vera, Luis Javier Vazquez, and Kyle  
Kingsbury on behalf of themselves and all  
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting  
25 Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION TO SEAL  
PORTIONS OF ZUFFA, LLC'S  
OPPOSITION TO PLAINTIFFS'  
MOTION TO CHALLENGE  
ATTORNEY-CLIENT PRIVILEGE  
(ECF NO. 320) AND RELATED  
EXHIBITS**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents  
2 entered by the Court on February 10, 2016, ECF No. 217 (“Protective Order”) and Rule 26(c) of  
3 the Federal Rules of Civil Procedure, Defendant Zuffa, LLC (“Zuffa”) respectfully requests that  
4 the Court order the Clerk of the Court to file under seal Exhibits B and C to the Declaration of  
5 Stacey K. Grigsby in Support of Zuffa, LLC’s Opposition to Plaintiff’s Motion to Challenge  
6 Attorney-Client Privilege (ECF No. 320) (the “Grigsby Opposition Declaration”), as well as  
7 portions of Zuffa’s Opposition to Plaintiffs’ Motion to Challenge Attorney-Client Privilege (ECF  
8 No. 320), Exhibit A to the Grigsby Opposition Declaration, and the Appendix of Exhibits in  
9 support thereof. This motion is accompanied by the Declaration of Stacey K. Grigsby in Support  
10 of Zuffa, LLC’s Motion to Seal Portions of Zuffa, LLC’s Opposition to Plaintiffs’ Motion to  
11 Challenge Attorney-Client Privilege (“Grigsby Declaration”).

12 The Protective Order in this case provides for the filing of documents under seal where  
13 portions or the entirety of the document contain Confidential or Highly Confidential Information.  
14 ECF No. 217, ¶ 14.3. In Zuffa’s opposition and the declaration attached thereto, Zuffa includes  
15 two documents (Exhibits B and C to the Grigsby Opposition Declaration) which contain  
16 confidential information regarding Zuffa’s decision-making and business strategies and its  
17 internal business operations. Because these documents implicate and contain Zuffa’s confidential  
18 and privileged information, Zuffa moves to file these exhibits and the portion of Zuffa’s  
19 opposition reflecting this confidential information under seal. Zuffa’s opposition also includes  
20 references to Plaintiffs’ motion and its exhibits. The exhibits to Plaintiffs’ motion include  
21 fourteen documents that contain confidential information regarding Zuffa’s decision-making and  
22 business strategies and its internal business operations, as well as attorney-client privileged  
23 discussions. In addition, Zuffa moves to seal Exhibit A to the Grigsby Opposition Declaration as  
24 portions of that Exhibit contain confidential information regarding Zuffa’s decision-making and  
25 business strategies and its internal business operations. Finally, Zuffa moves to seal a portion of  
26 the Appendix of Exhibits as the descriptions contain confidential information.

27 Zuffa has moved to seal the documents attached to Plaintiffs’ motion, and incorporates by  
28 reference its motion to seal (ECF No. 324) and the arguments contained therein. Because the

1 documents mentioned above implicate and contain Zuffa's confidential and privileged  
2 information, Zuffa moves to file the portion of Zuffa's opposition, declaration, and attached  
3 exhibit, reflecting this confidential and privileged information under seal.

4 Although Zuffa recognizes the importance of access to public documents, the presumption  
5 of public access to court filings may be overcome by a showing of good cause under Rule 26(c)  
6 for sealing requests that do not relate to dispositive motions. *See Pintos v. Pacific Creditors*  
7 *Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. City and County of Honolulu*, 447 F.3d  
8 1172, 1179 (9th Cir. 2006). The Court has "broad latitude" under Rule 26(c) "to prevent  
9 disclosure of materials for many types of information, including, but not limited to, trade secrets  
10 or other confidential research, development, or commercial information." *Phillips v. General*  
11 *Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted). In light of the public  
12 interest, Zuffa has narrowly tailored its request by only seeking to seal the Exhibits and the  
13 portions of Plaintiffs' motion with confidential information. Accordingly, the request to seal is  
14 narrowly tailored. A "particularized showing under the good cause standard of Rule 26(c) will  
15 suffice to warrant preserving the secrecy of sealed discovery material attached to non-dispositive  
16 motions." *Kamakana*, 447 F.3d at 1180 (citations and internal quotation marks omitted).

17 As Zuffa argued in its May 13, 2016 motion to seal (ECF No. 257), there is good cause to  
18 seal documents containing confidential business assessments and strategy, information and  
19 communications containing financial terms, incentives and negotiations over contract terms  
20 where such information could cause competitive harm if disclosed publicly. *See Selling Source,*  
21 *LLC v. Red River Ventures, LLC*, No. 2:09-cv-01491-JCM-GWF, 2011 WL 1630338 at \*2 (D.  
22 Nev. Apr. 29, 2011) (finding good cause to seal information regarding finances, contractual  
23 agreements and information regarding particular arrangements with customers); *Aevoe Corp. v.*  
24 *AE Tech. Co.*, No. 2:12-cv-00053-GMN-NJK, 2013 WL 2302310, at \*2 (D. Nev. May 24, 2013)  
25 (finding good cause to seal financial information and business strategies); *Rainbow Bus. Solutions*  
26 *v. Merch. Servs.*, 2013 U.S. Dist. LEXIS 67190, at \*9 (N.D. Cal. May 10, 2013) (finding  
27 compelling reasons to seal "particular information about the party's contractual agreements . . .  
28 the public disclosure of which would impede its ability to negotiate with business partners and to

1 stay competitive in the marketplace”). This good cause is present as to negotiations with athletes  
2 and potential and existing sponsors and licensees.

3 If Zuffa’s internal business strategies, contracts, or documents reflecting its negotiations  
4 over the specific terms or incentives that it offers individual athletes, sponsors, or licensees are  
5 publicly disclosed, Zuffa may very well suffer significant competitive harm as a result of  
6 competitors gaining unfair insights into Zuffa’s finances, agreements, negotiation strategies and  
7 its internal business processes. Zuffa takes great care to treat this information as confidential.

8 Zuffa respectfully requests that Exhibits B and C to the Grigsby Opposition Declaration,  
9 as well as portions of Zuffa’s Opposition to Plaintiffs’ Motion to Challenge Attorney-Client  
10 Privilege (ECF No. 320), Exhibit A to the Grigsby Opposition Declaration, and the Appendix of  
11 Exhibits in support thereof, be permitted to be filed under seal.

12  
13 Dated: January 3, 2017

BOIES, SCHILLER & FLEXNER LLP

14  
15 By: /s/ Stacey K. Grigsby

Stacey K. Grigsby

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11 *Attorneys for Defendant Zuffa, LLC, d/b/a Ultimate*  
12 *Fighting Championship and UFC*  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing (1) Zuffa's Motion to Seal Portions of Zuffa's Opposition to Plaintiffs' Motion to Challenge Attorney-Client Privilege (ECF No. 320) and Related Exhibits and (2) the Declaration of Stacey K. Grigsby in Support of Zuffa, LLC's Motion to Seal Portions Of Zuffa, LLC's Opposition to Plaintiffs' Motion to Challenge Attorney-Client Privilege (Ecf No. 320) and Related Exhibits was served on the 3rd day of January, 2017 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Christina Seki  
An Employee of Boies, Schiller & Flexner LLP